IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15061 of 2004

Between:

Dwaraseela Pullaiah, S/o. Chengaiah,
R/o. Patapadu Village and Post Hamlet of Cheerladinne,
Kanigiri Mandal, Prakasham District.

..... PETITIONER

AND

1 The District Collector, Prakasham District, Ongole.
2 The Mandal Revenue Officer, Kanigiri Mandal,
Prakasham District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction or order one more particularly in the nature of Writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioner from any portion of the agricultural land siutated in Sy.No.319/5 measuring 0.76 cents and 319/6 measuring Ac.3.48 cents by 'D' Form Pattas dt. 06-08-1980 where in green gram crop exists situated at Cheerladinne village, Kanigiri Mandal, Prakasham District without following the due process of law as illegal, arbitrary, unjust and violative of principles of Natural Justice, Article 14 and 21 of Constitution of India and provisions of Land Acquisition Act and consequently direct the respondents not to dispossess the petitioner from any portion of the land mentioned in the above said Sy.No.319/5 and 319/6 situated at Cheerladinne Village, Kanigiri Mandal, Prakasam District except by following due process of Law

Counsel for the Petitioner: MR.M.VENKATA NARAYANA

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following ORDER:

The Petitioner, who claims to be assigned Ac.0.50 cents of land in Survey No.316 and Ac.0.76 cents of land in Survey No.319/5 situate at Cheerladinne village, Kanigiri Mandal, Prakasham District by the then Tahsildar on 06.08.1980, filed the present writ petition stating that the subordinates of the respondents visiting and inspecting the land in his occupation and making efforts to plant stones without following the due procedure. It is the case of the petitioner that the respondents are also trying to evict the petitioner from the suit schedule land.

No writ of *mandamus* can be issued against the contemplated action of the respondents unless some action is initiated by passing appropriate orders.

In view of the same, I see no reasons to entertain the writ petition and the same is accordingly dismissed. However, it is needless to add if any action of the respondents will have the effect of dispossession and which follows civil consequences, the respondents are under obligation to put on notice of the proposed action. No costs.

_____

A.Gopal Reddy, J

Date: 25.08.2004

va

To

1 The District Collector, Prakasham District, Ongole.
2 The Mandal Revenue Officer, Kanigiri Mandal,
Prakasham District.

3 Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad(OUT)
4 Two CD Copies